

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FRANCIS J. HARVEY, JR. and
JEAN P. WILHELM,

Plaintiffs,

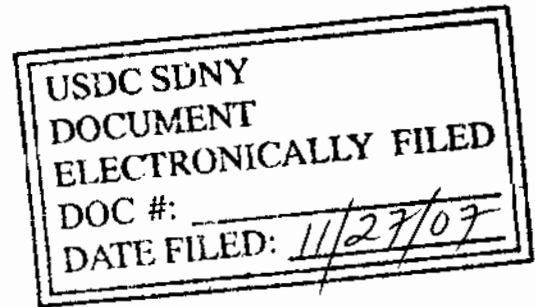
-against-

320 OWNERS CORP. and CHARLES
LOWERY, in his capacity as President
of 320 Owners Corp.,

Defendants.
-----X

07 CV 6763 (LAP)

ORDER



LORETTA A. PRESKA, United States District Judge:

Re: Certification Pursuant to 28 U.S.C. § 2403. This is to certify that the constitutionality of the application of a state statute, RPAPL § 711(1) is arguably in question in the above action. Argument on the merits of plaintiff's request for preliminary injunction is scheduled for December 19, 2007.

SO ORDERED:

Dated: November 27, 2007


LORETTA A. PRESKA, U.S.D.J.

Copy mailed

State of New York
Office of the Attorney General
Appeals and Opinions Bureau
120 Broadway 25th fl.
New York, NY 10271

Harveyorder1126